

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 7

Special Meeting

February 23, 2004

Town Board Minutes

February 23, 2004

Meeting No. 7

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 23rd day of February 2004, at 6:30 PM and there were

PRESENT: RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
JOHN GOBER, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

IN THE MATTER OF THE SEQR REVIEW OF

ORVILLE'S APPLIANCES

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Orville's Appliances site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
ORVILLE'S APPLIANCES
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 6.39 acres.

The location of the premises being reviewed is Walden Avenue, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.

It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.

It is noted that pesticide or herbicide may be applied more than twice a year for purposes of lawn care.

9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.

It is noted that:

- a.) The development may create additional demand for police and fire services.
 - b.) The development may cause a small increase in employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

February 23, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a-copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

February 23, 2004

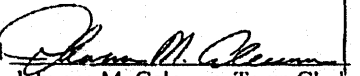
ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE MEETING, which
resulted as follows:**

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:52 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 8

Regular Meeting

February 23, 2004

Town Board Minutes

February 23, 2004

Meeting No. 8

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 23rd day of February, 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER RUFFINO to deliberate in Executive Session for the announced purpose of discussing litigation against the Town of Lancaster resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:37 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Krupa, Anthony, 19 Bowen Avenue, spoke to the Town Board on the following matters:

- Expressed dissatisfaction with the reconstruction of Central Avenue and Pleasant Avenue.
- Requests Police to ticket drivers who cut others off.
- Expressed concerns about narrowing of Central Avenue, north of Walden Avenue.

Bielman, Jack, 19 Inwood Place, spoke to the Town Board on the following matter:

- Comments about assessment revaluation.

De Carlo, Frank, 6 Hill Valley Drive, spoke to the Town Board on the following matters:

- Concerns about assessment revaluation.

Centinello, Daniel, 474 Pleasant View Drive, spoke to the Town Board on the following matters:

- Questions about possibility of video taping Town Board Meetings.
- Questions about test boring being performed on Pleasant View Drive.

Sherry, Tim, 62 Rehm Road, spoke to the Town Board on the following matters:

- Comments and concerns about assessment revaluation.
- Encourages the Town Board to have open sessions to educate the public about the revaluation process.

Shepherd, Brian, 43 Whitestone Lane, spoke to the Town Board on the following matter:

- Comments and concerns about the pending property revaluation for assessment purposes.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Comments about irregular assessments on his street.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:31 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the V&T Ordinance of the Town of Lancaster regarding stopping, standing and stopping on Enchanted Forest North.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMFNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, by voice vote, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:32 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

February 23, 2004

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the V&T Ordinance of the Town of Lancaster for stop & yield intersections in Windsor Ridge Subdivision.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Police Chief Gary Stoldt		Questions about parking

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, by voice vote, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:37 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

February 23, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held February 9, 2004 and the Regular Meeting of the Town Board held February 9, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies from the New York State Division of Criminal Justice Services to implement a LiveScan Store and Forward program for the purpose of improving the accessibility to arrest records.

NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 23rd day of February, 2004 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on February 23, 2004;
3. That a Certified Copy thereof be published in the Lancaster Bee on February 26, 2004;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

File: rvtordchpt46noparkingenchantedforestnorth204

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE X - Parking, Standing and Stopping.

§46-12. Parking prohibited in designated locations, is hereby amended by adding thereto the following:

A.

(65) On the south side and north side of Enchanted Forest
 North between Aurora Street and Chapin Court.

and

ARTICLE X - Parking, Standing and Stopping.

§46-13. Standing prohibited in designated locations, is hereby amended by adding thereto the following:

A.

(65) On the south side and north side of Enchanted Forest
 North between Aurora Street and Chapin Court.

February 23, 2004

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 23rd day of February, 2004 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 23rd day of February, 2004.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 23rd day of February, 2004
for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the
Town of Lancaster and persons for and against such amendment have had an opportunity to be
heard, and

WHEREAS, a Notice of said Public Hearing was duly published and
posted:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of
the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of
the Town Board of the Town of Lancaster held on February 23, 2004;
2. That a Certified Copy thereof be published in the Lancaster Bee
on February 26, 2004;
4. That a Certified Copy of the amendment be posted on the Town
Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town
Clerk;
6. That the Highway Superintendent take whatever action is
necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

File: rvtordchpt46stopsigns20-4a

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE VIII - Stop Intersections; Non-Intersection Stops; Yield Intersections

46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:

WINDSOR RIDGE SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Heathrow Court	Chestnut Corner	S.W. Corner
Chestnut Corner	Windcroft Lane	S.W. Corner
Chestnut Corner	Windcroft Lane	N.W. Corner
Chestnut Corner	Windcroft Lane	S.E. Corner
Windcroft Lane	Sussex Lane	N.W. Corner
Windcroft Lane	Sussex Lane	S.W. Corner

February 23, 2004

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 23rd day of February, 2004 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 23rd day of February, 2004.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, David Sarles , d/b/a ORVILLES APPLIANCES, 210 Industrial Parkway, Cheektowaga, New York , has submitted a revised Site Plan prepared by Kenneth E. Lofstrand, Architect dated January 2004 and received February 17, 2004 for the construction of a new 56,375 square foot single story pre-engineered metal building to be located on Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting January 21, 2004 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held February 23, 2004 and a Negative Declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the revised Site Plan submitted by David Sarles , d/b/a ORVILLES APPLIANCES, prepared by Kenneth E. Lofstrand, Architect dated January 2004 and received February 17, 2004 for the construction of a new 56,375 square foot single story pre-engineered metal building to be located on Walden Avenue in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

File: rsporvilleappliances204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Kohl's Department Store, Inc., 4827 and 4839 Transit Road, Lancaster, New York, has submitted a Site Plan prepared by Costich Engineering dated November 17, 2003 and received December 23, 2003 for the construction of a 96,077 sq. ft. department store, located at 4827 and 4839 Transit Road, Lancaster, New York, in the Town of Lancaster, and

WHEREAS, a SEQR Review on the rezone and project was held on September 15, 2003 and the petitioner was required to produce a Traffic Impact Study which was to be submitted to the New York State Department of Transportation (DOT) for review and comment prior to final SEQR action by the Town of Lancaster Municipal Review Committee; and

WHEREAS, a Traffic Impact Study was thereafter submitted and reviewed by the NYSDOT and DOT confirmed acceptance of the Traffic Impact Study and upon further review by the Municipal Review Committee on December 3, 2003 a negative declaration was issued, and

WHEREAS, the Planning Board has reviewed the proposed site plan and at its meeting January 7, 2004 has recommended approval of this project, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Kohl's Department Store, Inc. and prepared by Costich Engineering dated November 17, 2003 and received December 23, 2003 for the construction of a 96,077 sq. ft. department store, located at 4827 and 4839 Transit Road, in the Town of Lancaster subject to the following conditions:

1. Additional screening on the north side of the property to include 7' Norway Spruce trees and board-on-board fencing according to the recommendations of the General Crew Chief Terrance McCracken and additional screening along the east property line to be in groups or clusters.
2. Detention basin to include an aeration pump.
3. HVAC units to be located away from the north side of the building in order to minimize noise migration.
4. Installation of house side shields on lamp fixtures located on the east side of the building.
5. In the event that the neighboring property owners express a problem with excessive light emanating from the project site, the Town of Lancaster will direct the owners to remedy the situation by providing additional house side shields on the appropriate lamp fixtures.
6. The three (3) single luminaries located to the east of the building shall not be designated as security lights.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

File: rspkohlisleparnmentstore2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11439	Ferry Builders Inc	142 Nichter Rd	Er. Dwlg.-Sin.	
11440	Doucette, Mary	186 Central Ave	Er. Res. Alt.	(V/L)
11441	Forbes Homes Inc	3 Overlook Ct	Er. Dwlg.-Sin.	
11442	Transit-Rehm Assoc.	6363 Transit Rd	Er. Sign-Temp	
11443	Goris, Christopher	324 Ransom Rd	Er. Shed	
11444	Ferry Builders Inc	4 Spring Way	Er. Dwlg.-Sin.	
11445	Lovejoy Builders Inc	6 Ann Marie Dr	Er. Dwlg.-Sin.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

File: Rbldg2

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 7221 to Claim No. 7434 Inclusive

Total amount hereby authorized to be paid: \$741,999.26

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2004

File: Reclaims

COMMUNICATIONS & REPORTS:

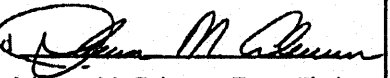
84. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from Town Forestry Department regarding Parkhaven Patio Homes, Broadway & Bowen Road. DISPOSITION = Planning Committee
85. Erie County Department of Environment & Planning to Town Clerk -
Review of rezone application of Homes by Natale, Inc., 5067 William Street; comments noted. DISPOSITION = Planning Committee
86. Erie County Department of Environment & Planning to Town Attorney -
Notice of Lead Agency Designation to the Town of Lancaster regarding proposed Orville's Appliance Warehouse, Walden Avenue; comments noted. DISPOSITION = Planning Committee
87. Town Clerk to Town Board -
Transmittal of monthly report for January 2004. DISPOSITION = Received & Filed
88. Planning Board to Town Board -
Recommends approval of site plan of proposed Realty USA Office Building, 4909 Transit Road; comments noted. DISPOSITION = Planning Committee
89. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held February 4, 2004.
DISPOSITION = Received & Filed
90. Erie County Department of Environment & Planning to Supervisor -
Transmittal of material regarding municipal zoning and planning. DISPOSITION = Planning Committee
91. NYS DOT to Principal, Hillview Elementary School -
Notice of establishment of 35 MPH school speed zone for Transit Road.
DISPOSITION = Received & Filed
92. Association of Erie County Governments to Town Board -
Notice of meeting to be held February 26, 2004 at Hamburg, N.Y. DISPOSITION = Received & Filed
93. Highway Superintendent to Town Board -
Request approval to attend Advocacy Day, March 9 & 10, 2004, in Albany to lobby against reduction in CHIP funding. DISPOSITION = For Resolution
94. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting, February 23, 2004 at 6:30 PM to review site plan application of Orville's Appliance Warehouse, Walden Avenue. DISPOSITION = Received & Filed
95. Town Clerk to Various News Media -
Notice to media of SEQR meeting, February 23, 2004 at 6:30 PM to review site plan application of Orville's Appliance Warehouse, Walden Avenue. DISPOSITION = Received & Filed
96. Town Clerk to Town Board -
Transmittal of annual report for 2003. DISPOSITION = Received & Filed
97. Erie County Dept. of Environment & Planning to Town Attorney -
Notice of Lead Agency Designation to the Town of Lancaster regarding Realty USA Office Building, 4909 Transit Road; comments noted. DISPOSITION = Planning Committee
98. Highway Superintendent to Town Board -
Request bond resolution for highway equipment. DISPOSITION = Town Attorney

99. Superintendent, Lancaster Central School District to Supervisor -
Notification of construction project for an addition to Aurora Middle School, continuing
through August 2005. DISPOSITION = Received & Filed
100. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held February 27, 2004. DISPOSITION = Town Engineer
101. NYS Office for Technology to Supervisor -
Notice of SEQR review by New York State Office For Technology regarding proposed
Statewide Wireless Network. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 9:37 P.M.
in memory of John "Mickey" Walters.

Signed



Johanna M. Coleman, Town Clerk